



Tippecanoe County, Indiana Transition Plan

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Tippecanoe County ADA Transition Plan

Tippecanoe County Government, 20 N. 3rd St., Lafayette, IN 47901

Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation and telecommunications. There are five titles to the ADA and many requirements, regulations, & guidelines under the ADA law. This document is intended to provide guidance to Tippecanoe County in proper implementation of the ADA; its intent is not to create an additional source of rights or to confer a personal right of action that does not otherwise exist. Tippecanoe County is a Title II entity. Under Title II and Title III of the ADA regulations, the law prohibits public entities from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodation for applicants and employees with disabilities.

We must ensure that:

- All services and programs offered by the entity
- All facilities that house programs and services
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of State and local legislative and judicial branches

are compliant with ADA Title II regulations and accessible to people with disabilities. In other words, no qualified individual with a disability can be excluded from participation in or be denied benefit from programs, services or activities of Tippecanoe County.

Five Titles of the ADA

Title I

Equal Employment Opportunity for individuals with disabilities

This title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

Title II

Nondiscrimination on the basis of disability in State and Local Government Services

This title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

Title III

Nondiscrimination on the basis of disability by Public Accommodations and in Commercial Facilities

This title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV

Telecommunications

This title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

Title V

Miscellaneous Provisions

The final title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Application of the ADA to Tippecanoe County

Tippecanoe County is covered under ADA, Title I Employment, and Title II, programs, services and activities. The ADA requires the County to make all its programs, services and activities readily accessible to and useable by qualified persons with disabilities when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to ensuring and documenting the County's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan update is significant in that it establishes the County's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all citizens. The final product is a working document to be modified when all barriers are removed and/or alterations are made.

ADA Consultants of Indiana, LLC was hired in to assist the County with a comprehensive evaluation for their compliance with the 2010 ADA Requirements & Guidelines for its facilities and all of its programs and services. We have performed facility evaluations which are included

in this report and anticipate continuing this process until all County facilities have been evaluated. Each action item was outlined by the group and they offered recommendations to remedy each compliance issue and assisted the Tippecanoe County ADA Coordinator with the composition of a Transition Plan.

Tippecanoe County Parks Department will perform its own evaluations of facilities and sites.

This information is outlined in the following report, with a summary of the general recommendations provided by ADA Consultants of Indiana, LLC.

Any comments, additions or suggestions about this Plan may be directed to the ADA Coordinator.

Program Location & Staffing:

ADA Coordinator

Frank Cederquist
Tippecanoe County ADA Coordinator
Tippecanoe County Office Building
20 N 3rd St.
Lafayette, IN 47901
Commissioners' Assistant
Phone: (765)-423-9772
Fax: (765) -423-9196
fcederquist@tippecanoe.in.gov

Additional Tippecanoe County Staff information is available at www.tippecanoe.in.gov under the **Staff Directory** tab.

ADA Project Team

The ADA Project Team was formed in 2011. The team meets once a month to discuss and make decisions regarding ADA compliance and the County's Transition Plan. The ADA laws require state and local governments to make their goods, services, and/or facilities accessible to clients, customers and employees with disabilities. The ADA Project Team seeks to make this a reality in Tippecanoe County.

The establishment of the ADA Project Team is outlined in Ordinance No. 2011-30-CM, § 31.401

§ 31.401 ADA PROJECT TEAM; ESTABLISHMENT; MEMBERS.

(A) There is hereby created an Americans with Disabilities Act Project Team which shall consist of the following persons appointed by the Board of Commissioners:

1. One member of the Board of County Commissioners;
2. One member of the County Council;
3. The Executive Director of the Tippecanoe County Highway Department
4. The Tippecanoe County Human Resources Director
5. The Commissioners Assistant appointed pursuant to County Code Section 30.05

(B) Each member shall be appointed for a term of one year commencing on January 1 of each year and shall serve until his or her successor is appointed and qualified

(C) The Americans with Disabilities Act Project Team shall be an advisory body that will meet as required and make written recommendations to the Board of County Commissioners regarding the design, construction, alteration or operation of Tippecanoe County facilities and their accessibility and usability by individuals with disabilities, in accordance with the Americans with Disabilities Act of 1990 "ADA" and such other duties as may be assigned by the Board of Commissioners.

(D) The Board of Commissioners shall annually appoint one member of the ADA Project Team to serve as the ADA Coordinator for the county.

The following members currently make up the ADA Project Team:

1. Tom Murtaugh -Board of County Commissioners
2. Opal Kuhl - Executive Director-Tippecanoe County Highway Department
3. Shirley M. Mennen - Tippecanoe County Human Resources Director
4. Frank Cederquist – Commissioner’s Assistant

Tippecanoe County’s Notice of Non-Discrimination Policy & Grievance Procedure

Link to:

[Non-Discrimination Policy](#)

[Grievance Procedure](#) and [Complaint Form](#)

ADA Compliance Self Evaluations:

The Title II ADA Self-Evaluation Requirements can be divided into two major categories;

- Administrative Requirements
- Requirements of Access to Programs, Services and Activities.

A summary of findings for these categories is listed below.

Administrative Requirements Findings:

- The County has appointed an *ADA Coordinator* to address compliance issues. The ADA Coordinator will act as a liaison between the County and persons with disabilities in the community.
- The *Transition Plan* should be examined by persons with disabilities, adopted and implemented. It will be substantial evidence of the County's good faith efforts to comply with ADA's Title II mandates.
- ADA Consultants of Indiana, LLC is conducting accessibility assessments of County facilities which will result in the first phase of the mandated Transition Plan. It is designed to address physical access barriers within high priority County facilities. Completed evaluations have been included as appendices to this report. The Tippecanoe County Parks Department plans to conduct its own evaluations and create its own Transition Plan. The County has also completed their own Sidewalk and Curb Ramp Inventory which is included in this report. Additional appendices will be added as remaining evaluations are completed.
- The existing *Grievance Procedure* appears in the County's current Transition Plan. It is recommended that all Tippecanoe County staff be aware of and understand this *Grievance Procedure*.
- A *Notice of ADA Compliance* exists. Besides being posted in all departments of the County and in all County Facilities, it is recommended that the Notice be included with job applications, posted on the Tippecanoe County website, included in all County handbooks, announced at public meetings, published as a legal notice in local newspapers and included in all advertisements to the public. All Tippecanoe County staff needs to be aware of and understand this Notice.

Requirements of Access to Programs, Services and Activities Findings:

The U.S. Department of Justice (USDOJ) serves as the primary enforcement agency for the ADA and has suggested 13 points of program access for the Self Evaluation review. These 13 points and administrative requirements were used to set the scope of the review for Tippecanoe County.

1. **Transition Plan** - Transition Plan is being updated as a part of this project. The completed working Transition Plan will consist of a list of barriers within the physical environment, and a statement of method(s) for removal of barriers. The County will continue to implement barrier removal by scheduling and funding projects based on available funds and the disproportional undue burden ratio until they have reached full compliance and all barriers have been

removed. The Plan names the ADA Coordinator who is responsible for the Transition Plan implementation. See also the **Self Evaluation** portion of this document for reports regarding barrier removal.

(To be adopted on Dec 17, 2012)

2. Program Access - ADA Consultants of Indiana will perform a self-evaluation to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. Tippecanoe County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. The County will also provide auxiliary aids and services and reasonable accommodations upon request. This means that policies and or procedures will be modified or adapted, as long as it is reasonable, to insure inclusion, service, or eliminate barriers. See also the **Self Evaluation** portion of this document regarding this point of review.

(Programs, Services and Activities evaluations to be conducted in winter 2013 and completed by May 31, 2013)

3. Communication with persons with disabilities - An Effective Communication Policy does not currently exist. A new Effective Communication Policy in conjunction with an Auxiliary Aids and Services Policy has been developed for Tippecanoe County by ADA Consultants of Indiana, LLC. This policy will need to be implemented and shared with all staff in each department. Additional important information regarding effective communication is outlined in a handbook, Disability Guidelines and Etiquette Handbook, that will be given to all County staff when the policy has been implemented. This will also be addressed in a staff training session in March 2013.

(To be implemented by March 31, 2013)

4. Auxiliary Aids and Services - An assessment of any existing auxiliary aids and services will be conducted, (Winter 2013). A new Auxiliary Aids and Services Policy in conjunction with Effective Communication Policy has been developed for Tippecanoe County by ADA Consultants of Indiana, LLC. This policy needs be implemented and shared with all staff in each department. It should also include a list of aids currently available and a list of local resources. Additional important information regarding auxiliary aids and services is outlined in a handbook, Disability Guidelines and Etiquette Handbook, that will be given to all County Staff when the policy has been implemented. This will also be addressed in a staff training session in March 2013.

(To be implemented by March 31, 2013)

5. Emergency Preparedness - One of the most important roles of local government is to protect their citizens from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of Tippecanoe County's responsibility. An

assessment will be made regarding the current plans and ADA Consultants will provide training regarding this issue.

(To be completed by May 31, 2013)

6. *Language Sensitivity* - The United States Department of Justice (USDOJ) suggests an examination of the manner in which persons with disabilities are portrayed in County publications. Information concerning "person first language" and a list of terms that may be offensive to some persons with disabilities such as "mental retardation", "victim of", "wheelchair bound", or "handicapped". An assessment of current literature produced by the County will be conducted regarding Language Sensitivity. Additional important information regarding Language Sensitivity is outlined in a handbook, *Disability Guidelines and Etiquette Handbook*, that will be given to all County Staff when the Effective Communication & Auxiliary Aids and Services Policy has been adopted. This will also be addressed in a staff training session in March 2013.

(To be completed by March 31, 2013)

7. *Historic preservation* - When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied. Tippecanoe County does not operate any programs or activities out of any historical sites governed by an active board.

8. *Procedure for determining fundamental alterations* - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the ADAAG's requirements of alterations to primary functions area/path of travel requirements. Determination can only be made by the ADA coordinator and ADA Project Team and must be accompanied by a written statement of reason for reaching that conclusion.

(As the ADA Project team works to prioritize and time line out remediations to known infractions, this process will be ongoing until compliance is complete.)

9. *Access to public meetings* - No significant guidance exists to assist County staff in providing accessible meetings. ADA Consultants of Indiana, LLC has provided an internal guidance document/checklist to support staff in this area. The checklist will be used before each public meeting to ensure maximum accessibility; Access to public meetings will also be addressed at the April 2013 training session.

(This will be an ongoing requirement)

10. *Employment Practices* - The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. A personnel policy currently exists will be evaluated regarding the ADA and employment factors. If the

current policy needs revision; changes, additions and or alterations will be applied and will then be adopted and implemented. Training for Human Relations and Management staff regarding Title I of the ADA may be recommended.

(To be completed by April 30th, 2013)

11. *Construction and Renovation Project* - After January 26, 1992, all construction and renovation projects are to be compliant with Federal Access requirements. Plan checks of new construction projects should be conducted to identify compliance issues before any construction begins.

Please refer to the **County Code Requirements and Engineering Plan review procedures** section of this document regarding this requirement.

(This will be an ongoing requirement.)

12. *ADA Training for Staff* - Staff having contact with the public have a need for a wide range of disability information in order to appropriately address the Disability Civil Rights issues that may come before them as they conduct business. ADA Consultants has created training modules regarding these issues that will be used. Training modules may include handbooks, handouts, PowerPoint presentations, group discussions, hands on training and individualized training. Other staff training should include:

- New Staff
- Supervisors/Managers
- Emergency Responders
- Police Officers
- Meeting Organizers

(Effective Communication and Auxiliary Aids and Service Training to be completed by March 31, 2013)

(Emergency Management and Police training to be completed by June 31, 2013)

(New Staff and Management/Supervisor training should be ongoing)

13. *Employee Policies regarding former alcohol and drug users* - A policy needs to be developed and implemented to ensure that discrimination does not occur against individuals who are no longer engaged in the use of illegal drugs. This can be implemented into current or new policies regarding employment practices. This point will be reviewed at the same time as the employment practices evaluation. A section will be added to the current or revised policy. (To be completed by April 30, 2013)

County Code Requirements and Engineering Plan Review Procedures:

County Code regarding the ADA is referenced in: Ordinance No. 2011-30-CM, § 31.400

§ 31.400 AMERICANS WITH DISABILITIES ACT IMPLEMENTATION.

Facilities that are constructed or altered by, on behalf of, or for the use of Tippecanoe County shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities, in accordance with the Americans with Disabilities Act, the United States Department of Justice ADA Accessibility Guidelines (ADAAG) and the United States Department of Transportation Public Rights-of-way Accessibility Guidelines (PROWAG) as they apply to the county.

Also any future construction will require outside contractors to sign a New Project Agreement saying that their project complies with ADAAG, PROWAG, and the ADA.
(This will be an ongoing requirement)

Website:

One way to meet requirements under the ADA is to ensure that government websites have accessible features for people with disabilities. The ADA mandate for "full and equal enjoyment" requires nondiscrimination by a place of public accommodation in the offering of all its goods and services, including those offered via websites.

Tippecanoe County will maintain its website to allow general accessibility to all users. Reports and other special publications are made available in alternative formats.

If you use assistive technology and the format of any material on our website interferes with your ability to access information please contact the ADA Coordinator at (765)-423-9772.

Tippecanoe County is committed to making our Website accessible to everyone and we welcome comments on how to improve the site's accessibility for users with disabilities. Tippecanoe County's website will be reviewed for content, ADA compliance, and accessibility. (Initial evaluation to be completed by June 30, 2013, and then will be an ongoing requirement.)

Public Involvement:

In accordance with Title II requirements for the ADA, a public entity with more than 50 employees must provide an opportunity for interested persons, including individuals with disabilities to participate in the development of the Transition Plan.

Advocacy Groups

The following groups have been invited to participate in Tippecanoe County's Transition Plan process:

- Vocational Services
PO Box 6449
Lafayette, IN 47903
765-423-5531, ext. 419
- Family & Individual Supports
401 S. Earl Ave, Ste. 2A
Lafayette, IN 47904
765-449-0784
- Indiana Legal Services Inc.
PO Box 1445.
Lafayette, IN 47902
765-423-5327
- Individual Living Services
401 S. Earl Ave, Ste. 2A
Lafayette, IN 47903
765-446-5464
- Personal Advocacy
PO Box 4499
Lafayette, IN 47905
765-446-5464

Public Meetings

- The first Public Hearing is scheduled for December 10th, 2012 @5:00 p.m.
- After the meetings/hearings are held the County needs to publish and document (minutes of public meetings) name, organization, comments/questions/concerns and include them in the transition plan.

Self-Evaluation:

The Self Evaluation Requirements of Access to Programs, Services and Activities is divided into Architectural Barrier Removal (physical) and Program Access (programs, services, & activities/ policies & procedures).

Architectural Barrier Removal

- Compliance Assessments of each County owned, operated and or leased facility will be conducted and a report will be generated. Plan reviews of new construction projects will be conducted to identify compliance issues.
- These reports will be added to the Transition Plan as each one is completed. The reports will be available online and in print in the ADA Coordinator's office. They will be available to the public for three years.
- After each facility report is generated, the County will prioritize and time-line out remediation's to known infractions.

The following Reports are available in the office of the Tippecanoe County ADA Coordinator's office and are available upon request in alternative formats:

Facility

▪ Cary Home	Complete
▪ Tippecanoe Villa	Complete
▪ Sidewalk & Curb Ramp Inventory	Complete

The facilities and departments listed below will need to be scheduled for evaluation:

- ▶ 629 County Municipal Building
- ▶ Tippecanoe County Community Corrections
- ▶ Tippecanoe County Courthouse
- ▶ Purdue Extension Office
- ▶ Tippecanoe County Fairgrounds
- ▶ Tippecanoe County Highway Garage
- ▶ Tippecanoe County Office Building

- ▶ Tippecanoe County Parks & Recreation Department
- ▶ Tippecanoe County Sheriff's Department
- ▶ Tippecanoe County Soil & Water
- ▶ Tippecanoe County WIC

Program Access

- Compliance Assessments of each County department's programs, services, activities, policies and procedures will be conducted and a report will be generated.
- These reports will be added as Appendixes as each one is completed. The reports will be available online and in print in the ADA Coordinator's office. They will be available to the public for three years.
- After each department report is generated, the County will prioritize and time-line out remediations to known infractions.

The following Reports are available in the office of the Tippecanoe County ADA Coordinator's office and are available upon request in alternative formats:

Policies & Procedures/ Services, Programs, Activities

(To be completed by May 31, 2013)